

# The cooperation between the Waterway Police and the legal interpreters in the legal district of Antwerp: a qualitative study on best practices

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## Abstract

*In spite of a growing interest in the statute and role relating to legal interpreters (LIs) in research and practice, there still is no standard legal statute for LIs in Belgium. Subsequently, this paper aims to investigate how the “Scheepvaartpolitie” (The Waterway Police) – by definition a division that is confronted with multilingual issues in ports – and LIs cooperate in the legal district of Antwerp. The literature review and the preliminary phase of this research focus on the work environment of the police and the interpreters in this area. To gain an in-depth view of the way the Waterway Police and LIs work together, we have interviewed ten members of the Waterway Police and five legal interpreters who were trained at the KU Leuven, Antwerp campus (former Lessius UC). The answers and remarks of both parties have shown that there is indeed cooperation, but it does not always run that smoothly. According to the Waterway Police this is mainly due to the non-user-friendly registers that are used to recruit interpreters. According to the interpreters, there is a lack of adequate training for the police in interpreter-mediated encounters.*

## Introduction

Communication between service providers of all kinds and people who need their services is vitally important. Moreover, when the person looking for such a service does not speak the language of the service provider, problems arise because the service cannot be assured properly. In many cases, the service provider

tries to enable some form of communication in the dialogue through the help of a common language, an *ad hoc* interpreter or signs to make his message clear (Hale 2007). That is why we refer to this form of communication as dialogue interpreting. It is obvious that instances of highly infelicitous communication or even communication failure in any kind of social setting (be it legal, medical, social, asylum procedures, etc.) is a clear indication of a faulty service. One well-known example in which communication failed was the Coucke and Goethals trial in 1860. The case is documented as follows: both Dutch (Flemish) speaking men were sentenced to death because the trial was entirely held in French. This way, they had no access to justice because at that time in Belgian history, the *bourgeoisie* who had (financial and political) power, only spoke French and ignored the majority of Flemish speaking citizens. The language of the courts was also French. Even though Coucke and Goethals appeared to be innocent (because later the real offenders were caught and confessed), the sentence was a disgraceful consequence of bad interpreting by an *ad hoc* interpreter, namely a Luxembourgian *gendarme* who spoke badly French and Dutch while other sources speak of a sworn interpreter of Dutch. Moreover, even the defence did not speak or understand Flemish (Goethem 1980; De Lentdecker 1987). This led to the Coremans Act, the first in a long series of language legislation pieces in Belgium, allowing Flemish speaking citizens to use their own language at Flemish courts (not yet in Brussels). Up till today, the case is controversial and still the object of Flemish nationalism propaganda.<sup>1</sup>

Since the Nineties, several initiatives have been launched all over the world in Australia (NAATI), in the USA and Canada (Critical Link) and in Europe (mostly Scandinavian countries and the UK) to professionalize Community Interpreting or Public Services Interpreting due to a new immigration policy (Pöchhacker 2004: 30). One of the initiatives was the foundation of “Critical Link” an international organisation whose aim is to achieve international cooperation, both regarding research and professional best practices, and to guarantee more professionalism in the interpreter-mediated medical, social and legal fields.

In addition to Critical Link, many other national and international initiatives and projects have been undertaken, the Directorate General Justice projects, involving KU Leuven, Antwerp campus as a research partner, being cases in point. As described in Salaets (2014), there is indeed a clear common ground in LI training and research: the main goal of the projects was firstly to design a curriculum for LI training and, secondly, to draw up national and international (at EU-level) standards for legal interpreters and translators (LIT) (Hertog/Vanden Bosch 2001). More detailed information can be found on the Eulita website or the website of the KU Leuven, Antwerp campus research group. In one of the most recent research projects, cooperation between policemen and court interpreters in Belgium and other European countries was mapped out. Following a comparative study of interpreted police questionings in six different countries, some recommendations were firstly formulated after which several videos were

1 Since most sources are in Dutch, some general information in English can be found on <[https://en.wikipedia.org/wiki/Jan\\_Coucke\\_and\\_Pieter\\_Goethals](https://en.wikipedia.org/wiki/Jan_Coucke_and_Pieter_Goethals)>.

recorded to demonstrate how interpreter-mediated questioning should be conducted at a police station (ImPLI – project 2012)<sup>2</sup>. These videos are now used in both interpreter and police training.

In this paper, we will specifically focus on cooperation between the specialised section of the Waterway police and the LIs in the legal district of Antwerp. Since this is a specialised section of police forces, it sheds another, more focused, light on dialogue interpreting in a more specific setting than ImPLI did. This section was chosen because we expect a higher need of interpreters (because of Antwerp Port, which is by definition a junction point of international traffic) than in the daily assignments of general police forces. To start, we will look into the legislation regarding the right to interpretation. Then we will describe the professionalization of LIs in Belgium, mentioning briefly the unique training programme for LIs in Antwerp. Before moving on to the actual research, we will explain how the Waterway Police works in the Antwerp district. Subsequently, we will discuss our research methodology and the results of our research in detail. Finally, we will try to formulate some recommendations to optimise cooperation between the LIs and the Waterway Police.

## 1. Legal interpreters

### 1.1 The right to interpretation

There are several conventions and laws in place both in European and Belgian legislation setting out the right to provision of services, including the assistance of an interpreter. Some rules and guidelines are provided with reference to linguistic items even in police codes of ethics. In the ECHR (European Convention of Human Rights) article 6 stipulates that everyone is entitled to a fair trial. To secure a fair trial some specific rights are mentioned, namely the right to free assistance by an interpreter if the person (anyone charged with a criminal offence) cannot understand or speak the language used in court (ECHR article 6 (3)).<sup>3</sup>

The ECHR shows us that everyone in the EU has a right to assistance by an interpreter when he does not understand the legal language of the court. The 2010/64/EU Directive is a well-known and often cited additional document that safeguards this right, a directive that was supposed to be implemented in the national law of every Member State by October 2013.<sup>4</sup> For this paper we are specifically interested in the communication between police officers and people who do not understand the languages that are used in the jurisdiction they find themselves in (courts or police stations). Amongst other stipulations, the right to interpretation in police hearings is mentioned (article 2).

2 <[http://www.isit-paris.fr/wp-content/uploads/2014/11/IMPLI\\_Final\\_Report.pdf](http://www.isit-paris.fr/wp-content/uploads/2014/11/IMPLI_Final_Report.pdf)>.

3 <[www.echr.coe.int](http://www.echr.coe.int)>.

4 Belgium has published too late (December 19, 2014) a law on a National Register for sworn interpreters and translators, *Belgisch Staatsblad – Moniteur Belge* (Belgian Official Gazette), 19.12.2014, 104479-104484.

The fourth clause of the same article stipulates that the Member States should ensure a procedure or mechanism in order to check whether the suspected or accused person understands the legal language. A directive is binding upon each Member State but how the procedure or mechanism should work is not mentioned in the articles. This procedure or mechanism often poses a large problem, as will be shown below.

## 1.2 The professionalisation of LIT in Belgium

The European Member State we focus on in this contribution is Belgium. The professionalization process of LI started only in 1998: it was prof. Erik Hertog who had DG Justice research projects approved (meaning with financial support of the European Commission), which allowed him to set up training courses for LITs – as we will further explain – with the Ministry of Justice in collaboration with the Antwerp Court district, local police and Bar.<sup>5</sup> Moreover, this initiative was taken only in Antwerp, just one city in the Flemish part of the Federal State (with Flanders, Brussels and Wallonia as its main areas). The first goal of the first research project (Grotius) was to map the situation of LITs, its main goal being the drafting of international standards for Court Translators and Court Interpreters (Hertog/Vanden Bosch 2001: 14). Furthermore, the researchers involved in the project wanted to draw up a statute for LITs. The research partners of this first project and the numerous projects that followed, were very well aware of the fact that drawing standards is one thing. They also realised that it is another thing to find professionals who meet these standards and criteria: this would not be possible without serious awareness raising and sound training (Hertog 2001, 2003).

The aforementioned training course for LITs has been carried out since 1998 (see 2.3) but now, more than fifteen years later, there is still no legal statute for LIT in Belgium. There is a huge gap in institutional support and in Belgian legislation which results in Antwerp remaining a kind of “island”, meaning it is the only place (with the districts of Turnhout and Mechelen) in the Federal State where the completion of the LITs course at KU Leuven, Antwerp is compulsory before a LIT can be sworn in (Giambruno 2014: 153-154). A clear example of this lack of institutional support and interest is the terminology used in Belgian legislation for a LI. Different notions such as “translator”, “interpreter”, “sworn translator” and “sworn interpreter” are used interchangeably (Vanden Bosch 1999: 14). However, in Belgian legislation, it is written that all the included parties (in an investigation, for example) who do not understand the language used should have access to a “sworn interpreter”, whatever that may be.

Finally, a Belgian law on the creation of a National Register of sworn translators, interpreters and translators-interpreters was published in the Belgian Official Gazette on December 19, 2014. This was a – much delayed – answer to the

5 More information can be found on the Eulita website where the DG Justice projects of the late Nineties (Grotius I & II, Agis I & II) and their outcomes through publications are described. This meant the start of the actual LITs training programme in Antwerp.

request of quality in the already mentioned 2010/64/EU Directive. Belgium will have (in the best case scenario) a law that enters into force in December 2016 only. Amendments are already proposed by different interest groups. Above all, according to the most important critique, it is not clear what the exact requirements are to be on the register, apart from agreeing with the ethical code that will be drafted by the King (Chapter 5, article 21, comma 7); having “obtained any diploma or valuable experience of at least 2 years” and legal knowledge (Chapter 5, article 25, comma 1 & 2). A level of knowledge of the languages to be used in the interpreting task, neither interpreting nor translating competences, heuristics, methodology or knowledge of the legal terminology are established. Yet this is a first step, but it has been established too late and in a very vague and general way. Besides that, a national register is not the only requirement of the 2010/64/EU directive to be complied with!

### 1.3 Training programme, code of ethics and register in Antwerp

As will become clear in this section, a number of efforts have been made to provide a training programme in Antwerp and to draw up a code of ethics for LIs. We specifically mention Antwerp as a case because it is the only place in Belgium where such a fully-fledged LI training programme of 150 hours exists (and has been in place for 15 years). In collaboration with interpreting and translation trainers, terminologists, lawyers, judges and police officers, the training has been conceived as follows:

- Legal education and training
- Legal Dutch and terminology
- Legal Interpreting
- Legal Translation
- Police hearings with an interpreter

Before the students can participate in the training, they are screened for their language skills. Both their levels of Dutch and the foreign languages are tested. When the students pass the tests, they can start the training, which is only given in Dutch. After completion of the training, students have to pass exams for the different parts of the training mentioned above.<sup>6</sup>

One very important training method and learning tool which is practised both in the LI module and in the police hearings module is role play: the central element of training comprises cooperation with the police officers, and the attitude and impartiality of the interpreter.

Finally, when the student completes the training and passes the subsequent exams, he is awarded a LIT certificate (one can also choose to become either a legal translator or a legal interpreter only). Next, the name of the trainee is handed

6 More information (but exclusively in Dutch) can be found on <[http://www.arts.kuleuven.be/home/opleidingen/manamas/gerechtsvertalen\\_\\_tolken](http://www.arts.kuleuven.be/home/opleidingen/manamas/gerechtsvertalen__tolken)>.

on to the public prosecutor's office at the court. There the trainee will be screened by the public prosecutor's office before taking the oath before the Court of First Instance (Belgian legal term and institution). The name of the certified LIT will be added to a list of sworn interpreters/translators that is administered by the Court of First Instance in Antwerp only after he has signed the legal translator and/or legal interpreter code of ethics.

This code of ethics has been drafted for the court district of Antwerp and every new interpreter or translator who is added to the list has to sign it. The main articles or principles of the code for interpreters are:

- The interpreter shall not change, omit or add anything
- The interpreter shall remain impartial
- The interpreter shall stay neutral and shall not engage in private conversation with the persons in question
- The interpreter is sworn to secrecy
- The interpreter shall respect the code of ethics both during the execution of his job and during his private life

As Hakkala pointed out in one of her studies, the principle of neutrality is very important in guaranteeing correct police interview procedure and in ensuring both the safety of the interpreter and the safety of the foreign speaker:

staff status within the police organization would undermine the interpreters' neutrality [...] Too close an association with the police organization may stigmatise interpreters as an extension of the police force in a manner that endangers the interpreters' personal safety and inviolability (Hakkala 2004: 176).

In this way, at least in Antwerp, the attempt is made at preventing service providers or legal actors, like police officers, from having to rely on *ad hoc* interpreters (bilinguals who speak two languages but have received no training, are not aware of any code of ethics and have not even undergone any language screening) in order to communicate. With our research, we want to see if this working method is actually applied during real life situations in this rather privileged context of Antwerp (as only town in Belgium with certified LITs), more specifically in the Antwerp Port and surroundings. But first we have to outline the structure of the Waterway Police in Belgium/Flanders.

## 2. The Waterway Police in Belgium

### 2.1 Local and Federal police structures

The Belgian police force is structured at two levels, i.e. Federal and Local police, which taken together are known as an integrated police force. The Local Police will not be dealt with here, since it has no bearing on our research area. Both levels work autonomously and independently (from each other). They have their own policies and are responsible for the territories in which they have jurisdic-



tion. Even though both levels are autonomous, there is close cooperation between the two.

The Federal Police operate throughout Belgium which means the whole country, all the inland waterways, all ports and the territorial sea which stretches 12 nautical miles from the coast line. To carry out all these tasks, the Federal Police requires good general leadership. The Federal Police consists of the Criminal Investigation Department and three general directorates which have central offices and services both in Brussels and in the districts.

## 2.2 The Waterway Police (WWP): territory and issues

The Waterway Police is a specialised department within the administrative Federal Police and comprises five sections namely, Antwerp, Ostend, Ghent, Zeebrugge and Liège. Furthermore, they receive support from the Technical Support Team or TST and a maritime information databank. This is worth mentioning because we could maybe expect that a database of sworn interpreters is managed by this TST (among other things). We identified indeed exchanges of each other's so-called "lists of interpreters" (these are not official registers).

As was mentioned before, the WWP has jurisdiction for all Belgium. The black lines on the chart below indicate the borders of each section. The red arrows mark the borders with the Netherlands and the blue arrows mark the borders with France. The waterways have a blue, red, green, or white colour depending on their size. The abbreviation PTW-K stands for "Politie te Water-Kust" (or Police for Water-Coast).



Figure 1. Sections of the WWP in Belgium (source: chief of Police Jochen Willems)

We will not explain down to the last detail how the Waterway Police work in Belgium, but we will give a brief outline of the National Security Plan. Every four years, all the sections of the Waterway Police and the authorities involved, such as the Local Police, Justice and Home Affairs, meet to discuss the main safety problems or issues. The main safety problems that the Waterway Police are charged with are: theft, drugs, immigration, migrant smuggling, human trafficking and terrorism. As we will explain later, our research focused on the sections of the Waterway Police who specifically deal with safety problems involving immigration and those who deal with migrant smuggling and human trafficking. The intervention of interpreters is needed in such cases.

### 2.3 Training programmes for the police in Belgium

The last point that must be discussed briefly concerns the training programmes for police officers in Belgium. Each person who wants to work at local or federal level needs to have completed a basic training programme at an officially recognised police academy. Logically, the basic training programme for every degree is different.<sup>7</sup> When the police officers want to work for the Waterway Police, they additionally have to attend a specific training procedure that consists of 5 courses (294 hours). In these courses, the main principles of the maritime world are set out in minute detail.

For the purposes of our research, we carefully examined all the different basic and specific training programmes for police officers, inspectors and chief inspectors. We can conclude that the students are mainly instructed about the police world, the maritime world and the port infrastructure. During none of the training sessions were they instructed on communication problems or how to work with foreign speakers. Former Chief of Police Dirk Rombouts, who is also a trainer at the Antwerp police academy, confirmed our conclusion. Some changes slowly came about and some classes on how to work with an interpreter were started thanks to the educational film (ImPLI) mentioned earlier and a manual of which Mr. Rombouts is co-author, entitled: *Legal Interpreters: manual for police and legal experts in a multilingual context* (Salaets et al. 2014). In the meantime, the authorities in Brussels are reforming and improving basic training for policemen in Belgium.

## 3. Field research and data collection

### 3.1 Research questions and methodology

For our research, we investigated how the police and LIs cooperate in practice. The main objective of this research strives for a better understanding of the collaboration between the Antwerp Waterway Police and the LIs. Thus, the central

7 <<http://police.ac.be>>.



question is as follows: “How does the collaboration between the Waterway Police and LIs proceed?”

The sub-questions are as follows:

Are the police officers and court interpreters aware of the operation procedures of the other party?

Are there any specific conditions required to be fulfilled by one of the parties for successful collaboration?

And finally, how can the collaboration be improved?

For a better understanding of the collaboration between the Waterway police and the LIs and in order to get acquainted with these procedures, we did some exploratory research (Boeije *et al.* 2009: 254). Before interviewing the respondents, it is important for the researchers to collect sufficient background information. This involves studying not only the literature on language legislation, immigration and court interpreters in Belgium, but also information regarding the police in Belgium. Scholarly literature in that domain was scarce and resulted in advanced research being carried out by the researchers, which consisted of a similar study of the literature, supported by references from the Federal Police. This advanced research also involved a period of observation: we were allowed to participate in patrols with intervention teams on water and land and intervention teams which check ships hiding stowaways. The findings were recorded in an observation report. Based on these findings, we were able to set up our research, i.e. writing out the interview questions.

Moreover, we also included the attitudes, the underlying wishes, expectations and needs of the respondents in our research. Therefore, qualitative research was conducted to delve deeper into certain matters. One disadvantage was the reduction in the number of respondents who could be interviewed, but the interviews enabled the researcher to assess personal experience and feelings. Individual interviews allow interviewees to be free from giving answers under peer pressure which might occur in a focus group (Evers/De Boer 2012: 39). Subsequently, the researchers opted for semi-structured interviews, using a number of themes which were selected in advance as guidelines. The researchers built up queries based on these themes. The way in which the questions were structured also plays an important role (Brinkman 2000: 68-77). In open questions, respondents have absolute freedom in constructing an answer corresponding to their own personality. On the other hand, closed questions only allow respondents to choose from a list of possible answers. An advantage of closed questions is that all final answers can be subjected to facilitated comparison. Thus, this improves reliability and comparability. A disadvantage of closed questions is that they do not always correspond to the specific situation of the interviewee, thereby creating a validity problem (Brinkman 2000: 68-77). The researchers used both open and closed questions for the interview. Additionally, the researchers also made use of a few statements that the respondents could either agree or disagree on followed by a subsequent justification of their choice. The questions and statements will be discussed and accounted for in detail below.

Following an analysis of the interviews, all the respondents' answers were coded and divided in categories. As the researchers drafted the questions and conducted the interviews themselves, this could have led to subjective interpre-

tations of the results. To prevent this, triangulation was opted for: another person, who was not involved in the research, was asked to analyse and categorise the answers to the interview questions in order to establish an objective final result. Both analyses were then compared and merged to obtain an objective judgment (Hertog *et al.* 2006: 128).

### 3.2 A description of the corpus

To keep the research synoptic, the corpus must be limited, keeping in mind the target of the research and the main research question to be addressed. The boundaries of the research domain must be limited by determining who will belong to the research population (Fisher/Julsing 2009: 30-40). In the next section, we will explain which respondents our research population consists of.

#### Group 1 – Respondents: the police

For this research project, six chief inspectors and four inspectors of the Antwerp division were interviewed. These police officers were chosen because of their involvement with questionings concerning foreigners and thus, with cooperation with LIs. These inspectors are in charge of the department for theft and carry out intervention operations. They were specifically chosen due to their frequent interactions with foreigners as they are often called to a scene, after which interrogation follows. The chief inspectors who were interviewed are in charge of the immigration department and border control. The immigration department and border control was selected due to their interactions with stowaways and illegal immigrants who are often allophone speakers. Furthermore, these chief inspectors were chosen because of the specific tasks they are responsible for. They are consulted by other staff members to recruit an interpreter and – along with the interpreter – are usually also involved in the questioning. All the inspectors of the Antwerp WWP who were interviewed had previous experience in working with interpreters

To conclude, all the data provided by the respondents were rendered anonymous. On the other hand, the rank and function of the members of the police were made public in the results as these data play an essential role in the analysis of the answers. The corpus of interviews involves ten members of the WWP whose positions are encoded as follows:

Chief Inspector <b>A</b> Immigration and border	Inspector <b>A</b> Intervention
Chief Inspector <b>B</b> Immigration and border	Inspector <b>B</b> Intervention
Chief Inspector <b>C</b> Specific tasks	Inspector <b>C</b> Theft
Chief Inspector <b>D</b> Specific Tasks	Inspector <b>D</b> Theft
Chief Inspector <b>E</b> Specific Tasks	
Chief Inspector <b>F</b> Specific Tasks	

Table 1. Respondents: interviewees of the WWP

### Group 2 – Respondents: legal interpreters

To investigate collaboration between the Waterway Police and the legal interpreters, it was important to interview interpreters who had previous experience in collaborating with members of the police or the Waterway Police. As a result, the researchers asked police respondents if they keep records of the legal interpreters they previously collaborated with (names, telephone numbers, etc.). After many attempts to reach out to legal interpreters, the researchers only found three court interpreters who were willing to participate in the research. Other interpreters were unavailable, had changed profession or were not able to participate due to an excessive amount of interpretation work. All the interpreters interviewed can be found on the official list of the BVT office (office of sworn translators and interpreters) in Antwerp.

The interpreters were also ensured the utmost anonymity. When the abbreviation WWP follows the word ‘interpreter’, this means that the interpreter has already had previous experience in collaborating with the Waterway police. The sample thus consists of 5 interpreters of whom 3 have already collaborated with the Waterway Police. Apart from being a legal interpreter, interpreter C WWP is also a police officer in Antwerp:

Interpreter A WWP	Interpreter D
Interpreter B WWP	Interpreter E
Interpreter C WWP	

Table 2. Respondents: LIs interviewees

### 3.3 Clarification regarding the interviews and the statements

#### Interviews: Waterway Police

The semi-structured format that was used to interview the Waterway Police officers was first tested in three pilot interviews. The individuals who participated in these test interviews were two women who work at a local police department and an inspector who works at a department of the WWP, who in fact was ultimately not interviewed for the final research. After carrying out the pilot interviews, some questions were eliminated or adjusted and new questions were added in order to improve clarity of the questions for the police officers. The interview contained 5 sections: questions asking for personal information, questions designed to gain information on the education of the person, questions about procedures to follow and finally queries about communication during an initial conversation/questioning and about the interpreter in this communication. Since this was our main focus, only the last part will be illustrated in detail: first of all, questions were asked about recruitment (how, when, who), about briefing beforehand, about the introduction of the interpreter to the third party and about the general development of the communication (about problems that can arise and about the smoothness of the intervention).

After the interview, we submitted some statements to the respondents from the WWP, which will be outlined in the next paragraph.

#### Statements: Waterway Police

The statements form the second part of the qualitative research. This method is often used to allow a respondent to create an opinion in a (often exaggerated) description of a situation. The respondent must indicate to what degree he agrees or disagrees with a statement applied to him (Brinkman 2000: 70). The researchers made arbitrary statements and tested them just as they tested the interviews in the pilot group. Based on the statements, the researchers then investigated to what degree the respondents were aware of the interpreter's code of ethics and operation procedures. Since each interview had already taken a considerable amount of time, the researchers presented only four statements. These statements are set out below:

Theme	Statements
Operation procedure interpreter	(1) When I conduct questionings with an interpreter, I find it difficult to understand the non-verbal information of the other party since the interpretation always follows later (consecutive mode).
Operation procedure interpreter	(2) When I work with an interpreter during questioning I always address myself as 'I' and make eye-contact with the other party.

Impartiality interpreter	(3) When the interpreter and the other party are of the same nationality, I sometimes have my doubts about the faithfulness of the interpretation.
Impartiality interpreter	(4) Sometimes, I ask the interpreter his opinion on the other party. After all, the interpreter speaks the same language as the interviewee and is aware of his culture.

Table 3. Statements presented to the police officers

### Interviews: Interpreters

The questions in the semi-structured interview for the interpreters had also been subjected to multiple test interviews beforehand. Two students from the Master in Interpreting and Legal Interpreting who already have a few years of working experience in the Antwerp district provided feedback. After the pilot interviews, some questions were eliminated or adjusted and new questions were added to allow legal interpreters to understand the questions better and provide a corresponding answer (Taylor *et al.* 2006: 84). The questions were then put in a final draft after all interviews with the police inspectors and head inspectors were completed. The interview contained 4 sections: questions asking for personal information, questions designed to gain information on the education of the person, questions about interpreting procedures to follow and finally queries about the interpreters in their communication with the police. These final sections also contained questions about recruitment, briefing beforehand, about introduction of the interpreter, seating arrangements, about problems that arise during communication and how they are subsequently solved by the interpreter.

### Statements: Interpreters

For the reasons cited above, the second part of the qualitative research with the interpreters also consists of statements and followed the same research trajectory (piloting, etc.). The researchers used the same statements which were used for the police in order to assess the interpreters' opinions on these themes. The four statements are outlined below:

Theme	Statement
Operation procedure Interpreter	(1) When I interpret a questioning, I allow the other party to describe his story in a few sentences while taking notes. Subsequently, I interpret. If the other party talks too much, I interrupt in order to be able to interpret.

Operation procedure Interpreter	(2) When I interpret a questioning, the police officer always addresses himself/herself as 'I' and makes eye-contact with the third party. Subsequently, I also interpret by using 'I'.
Impartiality Interpreter	(3) When I feel that the other party is lying or only discloses a part of the information, I inform the police officers.
Impartiality Interpreter	(4) Sometimes, the police officer asks for my opinion on the other party as I speak the same language and share the same culture. I thus provide the police officer with more explanations.

Table 4. Statements presented to the legal interpreters

#### 4. Discussion of the results

In this section we will summarise the results of this research in precise terms, provide answers to the research questions and formulate recommendations for the police force and court interpreters. Finally, we will also provide recommendations for further research.

Firstly, concerning the demographic compilation of the police corps, we note that the age of the respondents and the years of experience they accumulated at different departments is striking: all respondents were older than 35, and had at least 10 and maximum 30 years of experience. We can thus conclude that the corps of the Antwerp Waterway Police is fairly heterogeneous but shares a considerable amount of experience as a common factor. The group of respondents among the legal interpreters was also rather diverse: four of the five respondents were between the age of 30 and 45; but again an average of 12 years of experience was noted, which is a not negligible factor. The fifth respondent was older than 60 and had more than 30 years of experience as an interpreter.

When analysing the answers concerning education, we noticed that the education received at the Gendarmerie, Navy School or the police school by inspectors and chief inspectors was extremely diverse. On the other hand, the interpreters had all taken the same LI course at KU Leuven, Antwerp campus (then Lessius UC).

The third and fourth sections were related to interacting with foreigners, the procedures to be followed with an interpreter and collaboration between interpreters and police officers during an interrogation. The analysis provided an array of different answers which we will discuss in the next paragraph.

As was mentioned before, we formulated three research questions which we will now try to answer.



#### 4.1 Q1: Are the police officers and court interpreters aware of the operation procedures of the other party?

A simple “yes” or “no” cannot be given as an answer. The police officers are definitely aware of a few of the interpreters’ operation procedures; however, some remain completely elusive. Firstly, all respondents were convinced that interpreters must remain impartial and that only the actual dialogue can be interpreted (see statement three and four for the police). These principles were also upheld by the interpreters. All interpreters disagreed with statement three and found that only the actual dialogue can be interpreted. They also indicated that the police expect them to remain impartial and not pass judgement on the interviewee during a questioning. The neutrality and impartiality principle are also set out in the legal interpreters’ code of ethics. Both the interpreters and the police officers are undoubtedly aware of these principles. Even so, our research revealed that police officers still often call on *ad hoc* interpreters. All police officer respondents replied that during an initial contact with foreign language speakers (FL), they all look for a common language such as French, German or English in order to communicate. In case a common language is not found, 80% of the police officers make an appeal to an *ad hoc* interpreter. This *ad hoc* interpreter is often a colleague of the police officers, a family member or a friend of the interviewee. As shown in literature (Hale 2007: 161), we can confirm that family members or volunteers still are used as *ad hoc* interpreters instead of professional interpreters.

The interview results also showed that police officers are well aware of the administrative aspect of recruiting an interpreter. All police officers stated that they always have to follow the “Salduz Act” (the suspect has the right to have a lawyer present during questioning by the police) and mentioned the need to contact the public prosecutor’s office. They also declared that they have to consult the official register at the public prosecutor’s office to recruit an interpreter. Yet, when we asked about the actual practice, 50% of the respondents revealed that they consult a self-made “list” or one from a colleague to recruit an interpreter. Furthermore, even the interpreters stated that the police contacted them by telephone first; incidentally, they were consulted when they happened to be present at the police office. Despite the fact that both parties consider the neutrality principle highly important, it was remarkable how they did not put it into practice themselves and preferred their “own” interpreters. In relation to this, we have already mentioned Hakkala’s research (2004), in which it was established that whenever the same interpreters are frequently recruited to interpret at the police office, the neutrality principle might be endangered. This is an idea or a conviction that must be challenged though, like for example Salaets, Balogh and Rombouts explain in their manual for the users of court interpreters (meaning legal actors and police officers) when they ask the question if the same interpreter should be used throughout the whole procedure (pre-trial and trial). They consequently compare “with” or “without foreknowledge of the case” and subsequently indicate the advantages and the disadvantages of hiring the same interpreter (Salaets *et al.* 2014: 97-99). It can be summarised as follows: the advantages of having the same interpreter throughout the procedure is that he does not need much additional

briefing, he is prepared to use particular terminology (legal, technical, medical and other) and is not easily shocked by content because he knows the case. Knowing the discourse styles of the speakers can also aid his performance. The disadvantages are precisely what Hakkala points out: it is possible that the interpreter is too familiar with the case or *thinks* he knows the last detail of the case already. Impartiality could be endangered, even with a professional interpreter:

professional interpreters will be able to work perfectly at different stages of the case. Yet there can be involuntary non-verbal conduct that is difficult to control and that can “betray” the feelings of the interpreter. An interpreter is not a machine. It is possible that he blushes because of anger or shame or that he starts to sweat because of fear or tension. This doesn’t mean that the impartiality is violated on purpose, but the fact is that the interpreter has given unintentionally some additional information. (Salaets *et al.* 2014: 98) (*our translation*).

The second practical point that gave rise to difficulties was the interpreter’s introduction in which he explains his role. 40% of the police officers stated that they introduce the interpreter who then immediately interprets. But not every police respondent confirmed that he introduces the interpreter. The interpreters confirmed these conclusions made by the researchers following the analysis of the police interviews. However, a proper introduction is considered very important by all the interpreters. Yet, they do not always get the chance to explain their role, tasks and principles as mentioned in the code of ethics.

The third practical point that was mainly mentioned by the interpreters was the seating arrangement. In order to guarantee neutrality, all interpreters attempt to sit between the police officers and the interviewee, according to the triad set-up. They also indicated that it is not always easy to keep to these seating arrangements during questioning. In a few interviews with the police officers, the topic regarding seating arrangements did arise, but not in all interviews. Depending on the situation, the interpreter was seated in three different positions: next to the interviewee, next to the police officers or somewhere in between the parties.

#### 4.2 Q2 Are there any specific conditions required to be fulfilled by one of the parties for successful collaboration?

Here multiple problems arose in relation to these conditions. The first problem was mentioned by the police officers. Question 16 in particular, i.e. “Do problems sometimes arise when looking for an interpreter?” was answered positively by all respondents. To begin with, 90% of the police officers indicated that they contacted interpreters who appeared not to be available. Subsequently, 50% of the respondents also mentioned that the interpreter could not be reached by telephone when contacted. A huge responsibility lies within the register of interpreters. According to 50% of the police officers, the list is often not up to date. Cases in which interpreters were contacted resulted in either reaching people who had changed profession or at non-existent telephone numbers. To conclude, some languages proved to be more problematic than others. The respondents listed

Chinese as one of these languages of lesser diffusion (LLD, also known as “exotic languages”). One of the interpreters who was in charge of one of the LLDs also mentioned that he is often recruited for different assignments at the same time and thus had to refuse some of them.

A problem which is often associated with this was mentioned by the interpreters and concerns the recruitment of the interpreter who speaks the required language. Three of the five respondents indicated that they have been recruited on multiple occasions for situations in which the FL is not the one they speak (or a variant). Some interpreters then refuse to interpret on the spot as confusion arises regarding whether Berber or Standard Arabic is required, for example. Other interpreters interpret French whilst French was only used as a contact language by the FL speaker. When the knowledge of French appeared to be sufficient to interpret, the interpreter accomplished his task. Interpreters indicated that they would inform the police officers in cases of insufficient knowledge of the contact language (French or English).

Another problem pointed out by the interpreters was that they had learned to introduce themselves before interpreting a conversation. Important principles and operation procedures they mention in their introduction were often neglected in practice. According to the interpreters, police officers are not familiar with situations in which the interpreter gives an elaborate introduction and they attribute this problem to a lack of education or awareness at police academies about how to collaborate with interpreters.

To conclude, another difficulty was mentioned by both interpreters and police officers. Except for one interpreter, all respondents have experienced communication problems during questioning. The communication then becomes less smooth – a fact that was also noticed by the police officers. 50% of the police inspectors and chief inspectors stated that an interrogation in collaboration with an interpreter was often less smooth compared to a questioning in Dutch because of the slow interpreting process and the difficulties that arose from that interpreting process. In addition, they mentioned that such factors as the kind of questioning and the behaviour of the interviewee also play a role.

#### 4.3 Q3 How can collaboration between the WWP and LI be improved?

The results gleaned for this third research question will be outlined in a set of recommendations for the police and for legal interpreters.

Given the answers to the previous research questions, we can state that there is room for improvement regarding collaboration between police officers and legal interpreters.

First and foremost, it was useful for the researchers to inquire into the education and training of legal interpreters and inspectors and chief inspectors in the Antwerp Police Academy. Our research has shown that 90% of the police officers never had any training in collaborating with interpreters. Approximately 80% of the police officers did agree that they would have liked to have had some training. They therefore suggest that it would be extremely useful that practice ses-

sions be held with interpreters and that an interpreter organisation be invited to further explain their operation procedures. This is commonly defined as *joint training*. For example, one could invite student inspectors and chief inspectors to presentations by legal interpreters: this would allow both parties to practise under supervision of professional interpreters and police officers who have already participated in the training. In a joint training module, police officers could observe the procedure in which an interpreter introduces himself at the beginning of questioning and become aware of seating arrangements. On the other hand, one could turn this into an interaction module by inviting interpreters to the lectures on “questioning techniques and communication” which are taught at the Antwerp Police Academy. In such a manner, the interpreters would be able to learn about the interview techniques used by police officers. The police officers indicated that interpreter mediated questioning is often not as fluent because interpreters use different techniques. This awareness raising for interpreters of the nature of police interview discourse is repeatedly stated by Nakane (2014) throughout the whole publication on interpreter-mediated police interviews, but we quote one of the conclusive ideas:

the present study suggests that the mediation process is likely to improve if interpreters approach police interviews as a genre that may contain competing versions of events over which the primary speakers engage in a negotiation of power. Such awareness, which experienced and trained police interpreters would have, facilitates accurate interpreting that maintains both semantic and pragmatic equivalence. [...] It is recommended that police interpreter training include developing awareness of the police interview as a process of story construction. (Nakane 2014: 220).

If this were part of a joint training module, during these practice sessions the police officers and the interpreters could then seek the cause of the communication problems together and decide how they could be avoided in the future. A concrete example of such a joint training is one of the ImPLI instruction movies of the ImPLI project that can be consulted freely through Youtube. The German video of the Fachhochschule Köln shows exactly how this collaboration between interpreter students and police officer students can be achieved. Also the results of the Co-Minor-IN/QUEST – project on interpreter mediated questioning of minors show that joint training with legal actors (be they police officers, youth lawyers and youth judges), child support workers, psychologists and interpreters all together can be very beneficial. All information can be downloaded at the project website and consulted in the final publication (Balogh/Salaets 2015).

## 5. Conclusion

By way of conclusion we would like to formulate some final remarks and thoughts.

First of all, the outcomes of the current research cannot be held representative for the collaboration between the Waterway Police and legal interpreters in Antwerp, and therefore it is obvious that even more general conclusions cannot be taken on the grounds of this small scale research.

Secondly, because of the limited space for this current contribution that would ideally need additional information to connect with the Belgian/Flemish and even Antwerp situation that is unknown to readers, we could not refer extensively to other international research we are aware of specifically on police interpreting like Perez and Wilson (2007, 2011) or Nakane (2014), to name just a few more recent publications. Neither could we go more into detail regarding pedagogy of interpreting in the community in a more general way like in Rudvin and Tomassini (2011), or regarding pedagogy in legal interpreting where a lot of best practices can be found in several projects like TRAFUT (Training for the Future) and BMT (Building Mutual Trust) 1 & 2 where KU Leuven, Antwerp campus was involved. An overview of all these research projects and outcomes can be found on the EULITA website.

The third conclusive thought is linked to the previous one: it may result contradictory to the reader that, although in Antwerp training for legal interpreters is provided and a local Antwerp register with certified and sworn interpreters is available, collaboration between the police and legal interpreters is not obvious. Although other previous international research indicates that these are regular problems, we were surprised to encounter them still in Antwerp: what can we expect then from the rest of Flanders and /or Belgium? For example, despite the fact that Waterway police officers and interpreters think that impartiality is very important in interpreter mediated encounters and despite the fact that the ethical code is part of the LIT training in Antwerp (KU Leuven, Antwerp campus), Water Way police officers still prefer *ad hoc* interpreters they call from *self made* lists. They do not seem to be aware of the risks they incur concerning impartiality and the gap there is between what one strongly desires or even claims (impartiality) and reality (*ad hoc* interpreters like personal preferred interpreters, family members and friends of the interviewee that act as an interpreter etc.). Other frequently encountered problems are the availability of interpreters – due to obsolete registers or personal lists that are not updated – the recognition of the right language (or regional/local variant) in which police officers need translation and the lack of knowledge of questioning techniques from the interpreter's side.

A lot of these issues could be solved if the authorities took to heart two fundamental recommendations.

The first one is linked to the European guideline 2010/64/EU. Both police officers and interpreters have sounded the alarm in calling for improvement to the current recruitment system for interpreters. The interpreters do not find the system versatile and indicated that having to be constantly available puts them under a lot of pressure. Of course, most of these problems could be solved with the creation of a *national register for sworn interpreters and translators*. As said before, a law was published in 2014, but it still needs improvement. A register must be linked to quality and training and that is where the problem still lies in Belgium.

The next recommendation is the logical consequence of the first one: *the title of legal interpreter must be protected and his function must be regulated*. As long as there is no national/federal policy on the matter, Belgium will bring up the rear concerning these matters as indicated by the latest CEPEJ-report (European Commission for the Efficiency of Justice) of 2014. There we can see that amongst the

45 member states of the European Council that are asked for information (p. 6), Belgium is one of the few countries (together with e.g. Turkey, Bulgaria and Estonia) where the title of court interpreter is not protected and the function is not regulated (p. 456).

If we want to avoid going in circles and bumping into the same problems over and over again, Belgium policy makers have to move from words to deeds.<sup>8</sup>

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